

Appl. No. : 10/692,090
Filed : October 23, 2003

REMARKS

Claim 9 has been amended to correct minor informalities. Claims 5-8 have been withdrawn as drawn to a non-elected invention. Claims 10 -13 have been added. Support for new claims 10 can be found in the specification and claims as filed, for example, page 24, lines 22-23. Support for new claims 11-13 can be found in the specification and claims as filed, for example, page 24, lines 18-27. The changes made to the Specification and Claims by the current amendment, including ~~deletions~~ and additions, are shown herein with deletions designated with a strikethrough and additions underlined. No new matter has been added herewith.

As requested by the Examiner, the Priority information has been amended to reflect the issued patent and the Summary of the Invention has been amended to reflect the elected claim set. A copy of the IDS of January 25, 2004 is enclosed containing the patent GB 1,335,290 which was mistakenly left out of the IDS.

Claim objections

Claim 9 was objected to as being in improper form because it was multiply dependent and drawn to a non-elected claim. The claim has been amended to remove the dependence on non-elected Claim 6.

Anticipation rejections:

Claims 1-4 and 9 have been rejected as anticipated by Reilly et al (USPN 5,997,502), Nolan, JR, et al. (US Pub 2001/0023336), and Wimmer (USPN 5,275,581). In each case the Examiner believes that the prior art references discloses a syringe barrel comprising a flange with a front surface and a rear surface, wherein the rear surface is roughened.

To be anticipatory under 35 U.S.C. § 102, a reference must teach each and every element of the claimed invention. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). "Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. ...There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

Independent Claim 1 recites a syringe barrel, comprising a flange having a front surface and a rear surface, wherein at least one of the front surface and the rear surface of the flange is roughened. The dictionary definition for "roughened" is "having an uneven or irregular

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surface, coarse in texture, not level or smooth.” [Oxford American Dictionary]. Thus, a “roughened surface” is a surface which is unevenly or irregularly textured.

None of the prior art references teaches a flange with an uneven or irregularly textured surface, much less that the roughening is on the rear surface of the flange. This is detailed below:

Rejection under 35 U.S.C. §102(b)

Claims 1-2 have been rejected as anticipated by Reilly et al (USPN 5,997,502). The Examiner believed that Reilly et al discloses a syringe barrel comprising a flange with a front surface and a rear surface, wherein the rear surface (22fr) is roughened (Figures 1 and 5).

Reilly et al. discloses a syringe barrel having the syringe retaining flanges 22f with the reinforcing ribs 22fr. In Figure 5 and column 5, lines 47-50 the disclosure teaches ribs (22fr) on top of the flange. However, there is no teaching or suggestion in Reilly et al that the flange 22f is ‘roughened’. Reilly et al. teaches only ribs (not roughening) and the ribs are only shown on the top of the flange, not on the front or back of the flange. There is no teaching that surface of the rib 22fr is roughened. Thus, Reilly et al. cannot anticipate the claimed invention because Reilly et al. does not teach a “roughened” surface on any part of the flange.

Rejection under 35 U.S.C. §102(e)

Claims 3-4 were rejected as anticipated by Nolan et al. (US Pub 2001/0023336) because the Examiner believes that Nolan et al. disclose a syringe barrel with a flange with a front surface and a rear surface, wherein the front surface is roughened (Figure 4A). In Figure 4A, paragraph 86 the flanges are numbered 230 and 234. There is no teaching or suggestion in the specification or the Figure to suggest that the sides of the flanges are “roughened”. Thus, Nolan et al. cannot anticipate the claimed invention.

Rejection under 35 U.S.C. §102(b)

Claims 3-4 were rejected as anticipated by Wimmer et al (USPN 5,275,581). The Examiner believes that Wimmer et al. disclose a syringe barrel with a flange with a front surface and a rear surface, wherein the front surface is roughened (Figure 1, 2). The flange in Figures 1 and 2 (called handles in the specification) are numbered (6) in Figure 2 and appear to be three

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sets of ridges or stripes. There is no teaching in the Specification or Figures that the ridges or stripes are "roughened". Thus, Wimmer et al. cannot anticipate the claimed invention.

New Claims

None of the cited references disclose or even suggest the features recited in new dependent claims 10-13.

Conclusion

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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